REMARKS

This communication is intended as a full and complete response to the final Office Action mailed October 22, 2007. In the Office Action, the Examiner notes that Claims 1-2, 5, 7-15, and 17-18 are pending and rejected.

In view of the foregoing amendments and the following discussion, Applicant submits that none of the claims now pending in the application are anticipated under the provisions of 35 U.S.C. §103. Thus, Applicant believes that all of these claims are now in allowable form.

Applicant, by amending the claims, also does not acquiesce to the Examiner's characterizations of the art of record or to Applicant's subject matter recited in the pending claims. Further, Applicant is not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant response including amendments.

35 U.S.C. §103(a) Rejection of Claims 1, 2, 5, 7-15, 17, and 18

The Examiner has rejected Claims 1, 2, 5, 7-15, 17, and 18 under 35 U.S.C. §102(b) as being unpatentable over Yang et al. (US 6,005,620, hereinafter "Yang") in view of Egawa et al. (US 5,534,944, hereinafter "Egawa"). The rejection is respectfully traversed.

The Examiner cited Yang's Figure 4 as teaching a statistical multiplexer for live and pre-compressed video that is allegedly substantially the same system and method as in Applicant's claims 1-2, 5, 7-15 and 17-18 (page 3, Final Office Action). Applicant respectfully disagrees.

Specifically, Applicant disagrees with the characterization of Yang as teaching the encoding of the second video stream 32 being done "in accordance with an encoding parameter 44 associated with the first compressed stream 30 to generate a second compressed video stream 52 having a second encoding profile which matches the first encoding profile to within a requisite degree."

620374-1

There is nothing in Yang that teaches the live video stream 32 being encoded with a profile that matches the encoding profile of the pre-compressed stream 30. Instead, all that Yang teaches, in Figure 4 and Figure 5, is an apparatus and a method for multiplexing video streams 30 and 32, in which the degree of compression of live video signals 32 is determined based on the available bandwidth (col. 4, lines 32-67).

As taught by Yang, each complexity detector 40 generates a complexity signal representative of the complexity of the pre-compressed signal 30 (col. 3, lines 10-19). These complexity signals are used to determine the bandwidth of the pre-compressed video signals 30 (col. 4, lines 33-37), which is used, in turn, for determining the bandwidth available for the live video streams (col. 4, lines 38-41). This available bandwidth, together with the complexity factors for the live video signals 32 (determined by detectors 78), allows a compression factor to be determined for use in the compression of live video signals 32. The compressed live video signals and the pre-compressed signals are multiplexed in multiplexer 34 (Fig. 4).

There is nothing in Yang's Figures 4-5 that teaches the matching of the encoding profile of the second video stream to that of the first pre-compressed stream, let alone the details of how such a matching can be done, such as that in Applicant's claim 1:

> "wherein the requisite degree of matching between the second encoding profile and the first encoding profile is selected such that the spliced video stream can be decoded without producing visible artifacts on a display during or after a transition from a first compressed video stream portion of the spliced stream to a second compressed video stream portion of the spliced stream."

Furthermore, contrary to what was stated on page 3 of the Office Action, Yang does not teach the splicing of the second compressed stream into the first compressed stream (multiplexing is different from splicing); nor does Yang teach that the encoding of the second video 32 is controlled such that "the second encoding profile approximately matches the first encoding profile at approximately a point in time when the second compressed video stream is spliced into the first compressed video stream, wherein the encoding of the second video is further controlled such that the second encoding profile approximately matches the first encoding profile at approximately a point in time when the first compressed video stream is spliced back into the spliced stream."

620374-1

Yang teaches simply that the pre-compressed video signals 30 and the compressed live video signals are multiplexed by multiplexer 34 to provide an output that goes into the video memory 38. There is nothing in Yang regarding <u>any splicing</u> of the video streams to one another, let alone how the second encoding profile needs to be matched around the time of splicing of the video streams.

Furthermore, Applicant disagrees with the Examiner's interpretation of Egawa for allegedly teaching the concept regarding the degree of matching required for the second encoding profile. Applicant submits that Egawa fails to remedy the above deficiencies in Yang.

Egawa teaches a method of <u>splicing two compressed video signals</u> by <u>inserting an amount of null information between the two signals</u> in order to avoid buffer overflow (see Abstract).

Since Egawa's method is directed to splicing two video signals that are <u>already compressed</u> (i.e., both encoded streams), there is nothing in Egawa's Figs. 2-4 and 7 that teaches the <u>encoding</u> of the second video stream in the manner provided in Applicant's claimed invention, such as:

> "encoding a second video stream in accordance with an encoding parameter associated with the first compressed video stream to generate a second compressed video stream having <u>a second encoding profile which matches the first encoding profile to within a requisite degree,</u> wherein a profiler continuously tracks the encoding parameter associated with the first compressed video stream for instant parameter changes," or

> "wherein the encoding of the second video is controlled such that the <u>second encoding profile approximately matches the first encoding profile at approximately a point in time when the second compressed video stream is spliced into the first compressed video stream,</u> wherein the encoding of the second video is further controlled such that <u>the second encoding profile approximately matches the first encoding profile at approximately a point in time when the first compressed video stream is spliced back into the spliced stream"</u>

Thus, even if Yang and Egawa are combined with each other, there is still no teaching regarding encoding of the second video stream to match the encoding profile of the first compressed stream, in the specific manner provided in Applicant's claim 1.

620374-1

Therefore, claim 1 is not obvious over Yang in view of Egawa, and is patentable under 35 U.S.C. §103. Since independent claim 14 includes relevant limitations similar to those discussed above in regards to claim 1, claim 14 is also not obvious over Yang in view of Egawa, and is patentable under 35 U.S.C. §103.

Furthermore, claims 2, 5, 7-13, 15, and 17-18 depend, either directly or indirectly, from independent claims 1 and 14, and recite additional limitations thereof. As such and at least for the same reasons as discussed above, these dependent claims are also not obvious over Yang in view of Egawa, and are patentable under 35 U.S.C. §103.

Therefore, the Examiner is respectfully requested to withdraw the rejection.

CONCLUSION

Applicant submits that all the claims presently in the application are in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall, Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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620374-1